

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Elliott Auto Supply Co.,

Plaintiff,

Civ. No. 12-1185 (RHK/TNL)

ORDER

v.

General Parts Distribution LLC and
General Parts, Inc.,

Defendants.

Invoking Federal Rule of Civil Procedure 42(a), Plaintiff Elliott Auto Supply Co. (“Elliott Auto”) moves the Court to consolidate this action and a related case pending in this Court (Civ. No. 12-1880) with an action currently pending in the United States District Court for the Eastern District of North Carolina. (Doc. No. 23 in this action; Doc. No. 3 in Civ. No. 12-1880) The Court lacks the authority to grant Elliott Auto’s Motion. Rule 42(a) provides that “actions before *the* court” may be consolidated; it does not authorize the consolidation of actions pending before *multiple* courts. See, e.g., Swindell-Dressler Corp. v. Dumbaule, 308 F.2d 267, 273 (3d Cir. 1962) (“[W]e are of the view that a cause of action pending in one jurisdiction cannot be consolidated with a cause of action pending in another jurisdiction. Rule 42(a) . . . will not permit such a course.”); YP Corp. v. Sitrick & Co., No. CV050769, 2005 WL 3334326, at *7 (D. Ariz. Dec. 8, 2005) (“Under Rule 42, the district court has broad discretion . . . to consolidate cases pending in the *same* district. A court, however, may not consolidate actions pending in different districts.”) (emphasis in original) (internal quotation marks, citations,

and alterations omitted); Italian Colors Restaurant v. Am. Express Co., No. C 03-3719, 2003 WL 22682482, at *7 (N.D. Cal. Nov. 10, 2003) (“[C]onsolidation under [Rule] 42(a) is a device constricted in scope to multiple cases pending in the same district. Plaintiffs cite no authority by which this Court could divest other Article III courts of jurisdiction over matters pending before them.”).

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS ORDERED** that Elliott Auto’s Motion to Consolidate (Doc. No. 23 in this action; Doc. No. 3 in Civ. No. 12-1880) is **DENIED**.

Dated: August 8, 2012

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge